

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

22 DECEMBER 2009 AT 6.30 PM

PRESENT: MR R MAYNE - CHAIRMAN
MR DW INMAN - VICE-CHAIRMAN

Mrs M Aldridge, Mr JG Bannister, Mr CW Boothby, Mr JC Bown, Mr MB Cartwright, Mr WJ Crooks, Mrs A Hall, Mr P Hall, Mr CG Joyce, Mr K Morrell, Mrs J Richards, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.4 Messrs PR Batty and LJP O'Shea also attended the meeting.

Officers in attendance: Mrs T Darke, Mr P Metcalfe, Ms T Miller, Miss R Owen, Mr R Palmer, Mr TM Prowse and Mr M Rice.

342 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf off Messrs DM Gould, K Nichols, LJP O'Shea and BE Sutton. The following substitutions were authorised in accordance with Council Procedure Rule 4.3:

Mrs J Richards for Mr O'Shea
Mr MB Cartwright for Mr Sutton.

A Member raised concern about a Councillor having appointed a substitute whilst also attending the meeting himself. In response the Solicitor stated that whilst it was not in the spirit of the Constitution, there was nothing in the Constitution which prohibited such an activity.

343 MINUTES (P42)

On the motion of Mrs Aldridge, seconded by Mr Crooks, it was

RESOLVED – the minutes of the meeting held on 24 November 2009 be confirmed and signed by the Chairman.

344 DECLARATIONS OF INTEREST

Mr Bannister declared a personal interest in applications 09/00739/OUT and 09/00778/EXT as a resident of Ashby Road, although he stated he did not live near to the site.

Mrs Aldridge declared a personal interest in application 09/00833/FUL as the applicant was known to her.

Mrs Richards declared a personal interest in application 09/00854/CONDI.

Messrs Boothby and Cartwright wished it to be noted that whilst they intended to raise issues brought to their attention by residents, they had neither a personal nor a prejudicial interest in application 09/00798/FUL.

345 DECISIONS DELEGATED AT PREVIOUS MEETING

The Director of Community and Planning Services reported that refusal on application 09/00840/TEMP which had been delegated at the previous meeting had now been issued.

346 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P43)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Director of Community and Planning Services.

- (a) 09/00798/FUL – Erection of 133 dwellings with garages and car parking and construction of roads and sewers, Land East of Groby Village Cemetery, Groby Road, Ratby – JS Bloor

Attention was drawn to the amended recommendation in the late items that the application be refused. A fourth recommended reason for refusal was also reported relating to lack of financial contributions.

It was proposed by Mr Boothby and seconded by Mr Cartwright that the reasons for refusal be strengthened and include Policy 8 of the Core Strategy, due to the full allocation of housing numbers in Ratby already having been met, Policy 9 of the Core Strategy due to the need to retain the green wedge, Policy 15 of the Core Strategy with regard to affordable housing, Policy NE5 of the Local Plan due to the impact of additional traffic in the countryside and Policy RES 5 of the Local Plan as development was not supported outside the settlement boundary.

The Director of Community and Planning Services requested that voting be recorded on the above amendment. The vote was taken as follows:

Mr Mayne, Mr Inman, Mrs Aldridge, Mr Boothby, Mr Bown, Mr Cartwright, Mr Crooks, Mrs Hall, Mr Hall, Mr Joyce, Mr Morrell, Mrs Richards, Mr Ward and Ms Witherford voted FOR the amendment (14).

Mr Bannister voted AGAINST the amendment (1).

The amendment was therefore CARRIED. It was moved by Mr Bannister, seconded by Mr Bown and

RESOLVED – the application be refused for the following reasons:

1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that sufficient suitable affordable housing would be provided contrary to Planning Policy Statement 3, Policy RES3 of the adopted Hinckley and Bosworth Local Plan, Policy 15 of the adopted Core Strategy.
2. In the opinion of the Local Planning Authority the applicant has failed to submit an acceptable flood risk assessment in that provides a suitable basis for assessment to be made of the flood risks arising from the proposed development, therefore failing to comply with Planning Policy Statement 25 and Policy 35 of the East Midlands Regional Plan.
3. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the proposed junction of the main site access with Groby Road would be appropriate and safe. The proposal would therefore result in an unsafe access resulting in a danger to other users of the highway contrary to the objectives of Leicestershire County Council Htd document and Policy T5 of the Hinckley and Bosworth Local Plan.
4. In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities, education facilities, library facilities, health care facilities and civic amenity of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.
5. In the opinion of the Local Planning Authority the scale of the proposed development would provide housing numbers significantly in excess of those set out in Policy 8 of the adopted Core Strategy and would therefore have an adverse impact on the character of the settlement.
6. In the opinion of the Local Planning Authority the application site is located within the Rothley Brook Meadow Green Wedge. The proposed residential development does not fall within the land uses acceptable in the green wedge, as such the proposal is contrary to Policy 9 of the adopted Core Strategy.

7. In the opinion of the Local Planning Authority the proposed development due to its location in the countryside would generate traffic likely to exceed the capacity of the highway network thereby impacting on highway safety. As such the proposal is contrary to Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
8. In the opinion of the Local Planning Authority the application site is an unallocated site outside the boundary of a rural settlement or urban area as defined within the proposals map. As such the proposal is contrary to Policy RES5 of the adopted Hinckley and Bosworth Local Plan.

Messrs Batty, Boothby, O'Shea and Ward left the meeting at 7.32pm.

- (b) 09/00739/OUT – Demolition of 42 Ashby Road, Residential Development, Formation of access road and infilling of former pit (outline), The Pond off Ashby Road, Hinckley – Mr Terry Poulton

Attention was drawn to the amended recommendation in the late items that the Director of Community and Planning Services be granted delegated powers to refuse the application.

It was moved by Mr Bannister, seconded by Mr Bown and

RESOLVED – the Director of Community and Planning Services be granted delegated powers to refuse the application upon the expiry of the 21 day reconsultation unless the submission of additional information addresses all the concerns highlighted. If all concerns are addressed the item is to be returned to the Planning Committee.

- (c) 09/00778/EXT – Extension of time for extant planning permission 05/00684/OUT for outline residential development, 42 Ashby Road, Hinckley – Mr Terry Poulton

It was moved by Mr Bannister, seconded by Mr Bown and

RESOLVED – subject to the execution of an agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide the contributions and obligations attached to the previous permissions, the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions contained in the officer's report and late items. Failure to complete the agreement by 11 January 2010 might result in the application being refused.

- (d) 09/00761/FUL – Conversion, extensions and alterations of buildings to form three dwellings, The Pool House, Newtown Linford Lane, Groby – Mr and Mrs Everson-Crane

It was reported that this application had been withdrawn.

- (e) 09/00762/LBC – Part demolition, extensions and alterations of buildings to form three dwellings, The Pool House, Newtown Linford Lane, Groby – Mr and Mrs Everson-Crane

It was reported that this application had been withdrawn.

- (f) 09/00770/COU – Change of use of land to dog training, Upper Grange Farm, Ratby Lane, Markfield – Mr Patrick Godden

It was moved by Mr Crooks, seconded by Mr Bown and

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

Mr Ward returned to the meeting at 7.45pm.

- (g) 09/00811/DEEM – Alterations to ground levels and creation of drainage provisions, Richmond Park, Richmond Road, Hinckley – Hinckley & Bosworth Borough Council

On the motion of Mr Bannister, seconded by Mr Crooks, it was

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 30 December 2009, the Director of Community and Planning Services be granted delegated powers in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 to grant planning permission for the development subject to the conditions contained in the officer's report and late items.

- (h) 09/00833/FUL – Erection of fishery managers dwelling (revised scheme), The Glebe Field, Peckleton Common, Peckleton – Mr Roy Marlow

On the motion of Mr Crooks, seconded by Mr Bannister, it was

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

- (i) 09/00854/CONDIT – Variation of condition 2 of planning permission 09/00550/COU to vary opening hours, Townlands CofE Primary School, Meadowcourt Road, Earl Shilton – Beverley Hutt

It was reported that condition 2 should read “The use of the building for pre-school playgroup activities shall only take place between the hours of 8.00am – 3.00pm Mondays to Fridays and at no other time unless otherwise agree in writing by the Local Planning Authority”.

Members felt that due to traffic problems in the area of the school, a note to applicant should be added suggesting that a travel management plan be developed. On the motion of Mr Bown, seconded by Mrs Hall, it was

RESOLVED – the application be permitted subject to the conditions contained in the officer’s report and the abovementioned note to applicant.

- (j) 09/00873/FUL – Demolition of existing farm buildings, erection of three mixed residential and office units and extension and alterations to existing dwelling, Sycamore Farm, 29 Main Street, Barton in the Beans – Mr Frank Brogan

It was moved by Mr Bown, seconded by Mr Crooks and

RESOLVED – subject to the execution of an agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to secure cessation of all commercial uses on the land identified within the application ref 07/01424/FUL and return to agricultural and forestry use, the Director of Community and Planning Services be granted delegated powers to issue Planning Permission subject to the conditions contained in the officer’s report and late items. Failure to complete the agreement by 01 January 2010 might result in the application being refused.

- (k) 09/00876/CONDIT – Variation of condition 21 of planning permission 05/00615/FUL improvements to Dodwells Roundabout, Land Adjacent 391 Coventry Road, Hinckley – Tom Dwyer

Mrs Aldridge left the meeting at 8.10pm and returned at 8.15pm.

It was moved by Mr Bown, seconded by Mr Crooks and

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 24 December 2009, the Director of Community and Planning Services be granted delegated powers to issue a refusal of planning permission for the reasons outlined in the officer’s report.

- (l) 09/00877/CONDIT – Variation of condition 13 of planning permission 07/001150/FUL to allow amended improvements to Dodwells roundabout, Land adjacent to 391 Coventry Road, Hinckley – Mr Tom Dwyer

It was moved by Mr Crooks, seconded by Mr Morrell and

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 24 December 2009, the Director of Community and Planning Services be granted delegated powers to issue refusal of planning permission for the reasons outlined in the officer's report.

347 HIGHAM ON THE HILL AND THE ASHBY CANAL CONSERVATION AREA STATEMENT & MANAGEMENT PLANS (P44)

Members were provided with a report which recommended adoption of the Conservation Area Statements and Management Plans for the conservation areas in the village of Higham on the Hill and Ashby Canal. During discussion, the following points were raised:

- The towpath alongside Ashby Canal was in a poor state of repair due to the workmen employed by British Waterways. A new path had been laid but this was now damaged, and British Waterways should be requested to reinstate it. In response officers stated that they were keen to hold meetings with British Waterways.
- The need to repair bridges along the canal, particularly on Nutts Lane. In response it was noted that this was a highway engineering issue.
- The unsuitability of the towpath for cycling. Whilst it was noted that cycling was allowed, officers were requested to provide Members with information on regulations for this.

It was requested that a progress report on this be brought back to the committee in six months. On the motion of Mrs Hall, seconded by Mr Bannister, it was

RESOLVED –

- (i) the Conservation Area Statements and Management Plans for Higham on the Hill and the Ashby Canal be recommended for adoption as planning guidance;
- (ii) a progress report on issues surrounding Ashby Canal be brought back to the Planning Committee in six months.

348 APPEALS LODGED AND DETERMINED (P45)

A summary was submitted of appeals lodged and determined since the last meeting. It was moved by Mr Crooks, seconded by Mr Bannister and

RESOLVED – the report be noted.

349 APPEALS – PROGRESS (P46)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was moved by Mrs Hall, seconded by Mr Hall and

RESOLVED – the report be noted.

350 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Mr Bown, seconded by Mr Crooks, it was

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 10 of Part I of Schedule 12A of that Act.

351 PLANNING ENFORCEMENT ACTION (P47)

Members were provided with a periodic report on planning enforcement actions taken. The Solicitor to the Committee also provided an update on a particular appeal.

Mr Bown left the meeting at 8.30pm and returned at 8.35pm.

It was moved by Mr Cartwright, seconded by Mr Ward and

RESOLVED – the report be noted.

(The meeting closed at 8.45pm)